THE HON'BLE MS JUSTICE G.ROHINI

–

WRIT PETITION NO : 21585 of 2005

Dated: 28-01-2006

Between:

D.Shankar Reddy

..... PETITIONER

AND

The Joint Collector and

Additional District Magistrate,

Ananthapur and three others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.21585 of 2005

O R D E R:

The fourth respondent herein is the authorized dealer of the Fair Price Shop of Kassamudram village in Amadagur Mandal, Ananthapur District. By order dated 17-06-2005 passed by the second respondent herein, the authorization of the fourth respondent was suspended pending enquiry into certain alleged irregularities in distribution of the essential commodities to the cardholders. Simultaneously, he was also called upon to explain the four charges framed thereunder. Aggrieved by the said order, the fourth respondent preferred an appeal before the fist respondent-Joint Collector, Ananthapur. The first respondent disposed of the appeal by order dated 29-06-2005, thereby remanding the matter to the second respondent for detailed enquiry into the allegations and till then, the order dated 17-06-2005 was stayed.

The petitioner herein, who claims to be a cardholder, filed this writ

petition stating that as a matter of fact he filed a caveat before the first respondent-Joint Collector, however, the appeal was disposed of without notice to him.

This Court while directing Rule nisi, by order dated 24-10-2005 granted suspension of the order dated 29-06-2005 passed by the first respondent-Joint Collector. By virtue of the said order, it is not in dispute that the fourth respondent is not running the shop as on today but certain alternative arrangements have been made for distribution of essential commodities to the cardholders.

The fourth respondent in his counter affidavit has stated that all the allegations made by the petitioner are incorrect and as a matter of fact, the petitioner is not even a cardholder and that his wife by name D.Ramanamma holds a card.

In the circumstances, learned counsel for the fourth respondent vehemently contended that the petitioner has no *locus standi* to maintain this writ petition.

On behalf of the respondents 1 to 3, the Revenue Divisional Officer, Penukonda filed a counter affidavit, in which, it is stated that the enquiry initiated against the fourth respondent is still pending.

Having regard to the facts and circumstances of the case and having heard the learned counsel for both the parties and keeping in view that the enquiry initiated against the fourth respondent is still pending, I am of the opinion that it would be appropriate to dispose of the writ petition with a direction to the second respondent to complete the enquiry initiated against the fourth respondent, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the case and it is open to the second respondent to make necessary enquiry and to pass appropriate orders in accordance with law within the time indicated above. It is further made clear that in case the second respondent fails to complete the enquiry within the time fixed above, the order of suspension dated 17-06-2005 shall stand set aside and the authorization of the fourth respondent shall stand restored.

The writ petition is accordingly disposed of. No costs.

_____

G.ROHINI,J

28-01-2006

klp